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| 09/363,339      | 07/29/1999  | TIMOTHY M. YOUNG     | TN128               | 8021             |

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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

104-333-1351

22

# Office Action Summary

Application No.

09/363,339

Examiner

Simon Sing

Applicant(s)

YOUNG ET AL.

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 1.1 Claims 1, 2, 10, 11, 17, 18, 22 and 23 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The applicant claims a [software] module comprises or contains call flows. It is known in the art that a software program cannot comprise a call flow itself. A software program can only comprise the functions of a call flow.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2.1 Regarding claim 7, the phrase "rapidly" in line 2 renders the claim indefinite because it is unclear how fast is rapidly. Examiner suggests replacing "rapidly" with "within a predetermined period".

### ***Claim Rejections - 35 USC § 102***

Art Unit: 2645

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-15 and 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Juster US Patent No. 5,724,406.

4.1 Regarding claim 1, Juster discloses a call processing system and method for providing a variety of messaging services. Juster's teaches using various call processing primitives (CPP) for customizing call process service (column 5, lines 12-32). Juster's software [module] includes functions of call flows (column 5, lines 26-29), codes (a software comprises computer executable codes) and a list of names (names of variables, functions, users, etc.) and a modifiable list of corresponding DTMF signal identifier (column 5, lines 23-26).

4.2 Regarding claim 2, a software module is a portion of a software program, and Juster's teaches using various call processing primitives for customizing call process service (column 5, lines 12-32) with subscriber-specific service parameters (column 5, lines 54-57).

Art Unit: 2645

4.3 Regarding claim 3, Juster's discloses a service state table (column 5, lines 54-57; column 8, lines 8-20), which inherently includes result list names, break list names, delimiter list names and double-digit list names (column 8, lines 40-58).

4.4 Regarding claim 4, Juster discloses that when a CPP is executed, one or more events are followed (columns 9, lines 25-41).

4.5 Regarding claim 5, Juster discloses message handling system topics (columns 10, lines 34-48), which function for stopping (interrupt) a message (column 18, lines 27-43).

4.6 Regarding claim 6, Juster discloses that his software detecting a string of digits entered as a user password (columns 10, lines 14-21), which inherently has a function for determining the end of the string.

4.7 Regarding claim 8, a software module is a portion of a software program, and it is inherent that an application software program has an initialization process for loading global or default variables and functions.

4.8 Regarding claim 9, discloses a standard customization table in figure 3, and a customized customization table in figure 2.

Art Unit: 2645

4.9 Regarding claim 10, a software module is a portion of a software program, and Juster's teaches using various call processing primitives for customizing call process service (column 5, lines 12-32) with subscriber-specific service parameters (column 5, lines 54-57).

4.10 Regarding claim 11, Juster's teaches using various call processing primitives for customizing call process service (column 5, lines 12-32). It is inherent that Juster system supplies customers with a set of default settings.

4.11 Regarding claim 12, Juster teaches that a computer program is stored in a computer readable magnetic storage medium such a hard disk (column 4, lines 45-47).

4.12 Regarding claims 13 and 14, storing a computer program in an optical storage medium or over a network is just a matter of design choice.

4.13 Regarding claim 15, Juster discloses a multi-media messaging system (column 4, lines 40-42), including voice mail (column 5, lines 23-26).

4.14 Regarding claim 17, Juster discloses a call processing system and method for providing a variety of messaging services in figures 1 and 2, comprising:

- a computer 12;

- a network interface unit 26 (column 4, lines 5-67; column 5, lines 1-5);

Art Unit: 2645

a network applications platform running on the computer (column 4, lines 47-54);  
a messaging application using various call processing primitives (CPP) for customizing call process service (column 5, lines 12-32). Juster's software [module] includes functions of call flows (column 5, lines 26-29), codes (a software comprises computer executable codes) and a list of names (names of variables, functions, users, etc.) and a modifiable list of corresponding DTMF signal identifier (column 5, lines 23-26).

4.15 Regarding claim 18, a software module is a portion of a software program, and Juster's teaches using various call processing primitives for customizing call process service (column 5, lines 12-32) with subscriber-specific service parameters (column 5, lines 54-57).

4.16 Regarding claim 19, Juster's discloses a service state table (column 5, lines 54-57; column 8, lines 8-20), which inherently includes result list names, break list names, delimiter list names and double-digit list names (column 8, lines 40-58).

4.17 Regarding claim 20, a software module is a portion of a software program, and it is inherent that an application software program has an initialization process for loading global or default variables and functions.

Art Unit: 2645

4.18 Regarding claim 21, discloses a standard customization table in figure 3, and a customized customization table in figure 2.

4.19 Regarding claim 22, a software module is a portion of a software program, and Juster's teaches using various call processing primitives for customizing call process service (column 5, lines 12-32) with subscriber-specific service parameters (column 5, lines 54-57).

4.20 Regarding claim 23, Juster's teaches using various call processing primitives for customizing call process service (column 5, lines 12-32). It is inherent that Juster system supplies customers with a set of default settings.

4.21 Regarding claim 24, Juster discloses a multi-media messaging system (column 4, lines 40-42), including voice mail (column 5, lines 23-26).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Art Unit: 2645

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juster US Patent No. 5,724,406 in view of Weber, US Patent No. 6,094,239.

Juster teaches using various call processing primitives (CPP) for customizing call process service (column 5, lines 12-32), and using a modifiable list of corresponding DTMF signal identifier (column 5, lines 23-26). Juster also teaches that when a CPP is executed, one or more events are followed (columns 9, lines 25-41). Juster fails to specifically teach that when two DTMF tones entered by a user within a predetermined period, a double-digit list function (or event) is executed.

However, it is well known in the art that if an application has double-digits functions, a user may enter two digits within a predetermined period to activate a double-digit related function as the Weber reference states in column 2, lines 8-12.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Juster reference with the teaching of Weber, so that a sequence of two DTMF tones are entered within a predetermined period, a single event would have followed, because such a modification would have enabled a customer to operate a system with double-digit functions.

7. Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juster US Patent No. 5,724,406 in view of Chencinski et al., US Patent No. 5,355,406.

Juster discloses a multi-media messaging system (column 4, lines 40-42). Juster teaches using various call processing primitives (CPP) for customizing call process

Art Unit: 2645

service (column 5, lines 12-32), and using a modifiable list of corresponding DTMF signal identifier (column 5, lines 23-26). Juster fails to specifically teach that his system is used in a bank by phone application.

However, Chencinski discloses an integrated application controlled call processing and messaging system. Chencinski also discloses a bank by phone system (column 27, lines 65-68; column 28, lines 1-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Juster reference with the teaching of Chencinski, so that a bank by phone application would have been implemented, because such a modification would have made the system more versatile.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Application/Control Number: 09/363,339  
Art Unit: 2645

Page 10

S.S.

10/21/2002

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a long horizontal flourish extending to the right.

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.